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SB 2370, SD 1 ENVIRONMENTAL QUALITY

Statement for
Senate Committee on
Health
Public Hearing - February 28, 1986

By
Doak C. Cox, Environmental Center
Jacquelin N. Miller, Environmental Center

SB 2370 proposes a simple addition to the water pollution control authority granted to the Department of Health under HRS 342-32. This statement on the bill does not reflect an institutional position of the University of Hawaii.

The additional authority that would be provided by the bill is that of serving as the State certifying authority with respect to certain federal projects that are described in the committee report on the original version of the bill (SCR 250) as dredge and fill projects of the Corps of Engineers. We believe that the projects covered are broader, and that there is a typographic error in their citation in SB 2370, SD 1. That citation (p. 5, ls. 5-6) is "40 CFR 121.2(e)(1985)".

40 CFR 121 provides for state certification that proposed federal projects will be in conformity with State water quality standards. However, Section 121.2 deals with the contents of certification, not with the certifying authority; it has not contained a subsection (e), and so far as we have been able to determine, no subsection (e) was added in 1985.

We believe that the citation intended is 40 CFR 121.1(e), a subsection defining the "Certifying Agency" designated by the State. It would be inappropriate to add the year (1985) because that subsection long-predated 1985 and is still in effect.

State certification under 40 CFR 121 applies to all federal projects that must conform to State water quality standards, not merely Corps of Engineers dredge and fill projects. The designation of the Department of Health as the State's certifying authority is especially appropriate with this broader applicability. The citation in SB 2370 should be changed to read 40 CFR 121.1(e).



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SB 2370, SD 2 ENVIRONMENTAL QUALITY

**Statement for
House Committees on
Planning, Energy and Environmental Protection
and
Health
Public Hearing - March 13, 1986**

**By
Doak C. Cox, Environmental Center
Jacquelin N. Miller, Environmental Center**

SB 2370, SD 2 proposes a simple addition to the water pollution control authority granted to the Department of Health under HRS 342-32. This statement on the bill does not reflect an institutional position of the University of Hawaii.

The additional authority that would be provided by the bill is that of serving as the State certifying authority with respect to certain federal projects that are described in Senate committee reports on the bill as dredge and fill projects of the Corps of Engineers.

The certifying authority that would actually be provided by the bill relates to any federal project whose conformity to State standards must be certified by the State. The proposed addition to the authority to the Department of Health is appropriate especially with this broader coverage.